

1-1 By: Harris S.B. No. 865
1-2 (In the Senate - Filed February 16, 2009; March 9, 2009, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 15, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 15, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 865 By: Harris

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to child support enforcement.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 102.009, Family Code, is amended by
1-13 adding Subsection (e) to read as follows:

1-14 (e) In a proceeding under Chapter 233, the requirements
1-15 imposed by Subsections (a) and (c) do not apply to the extent of any
1-16 conflict between those requirements and the provisions in Chapter
1-17 233.

1-18 SECTION 2. Subsection (b), Section 102.011, Family Code, is
1-19 amended to read as follows:

1-20 (b) The court may also exercise personal jurisdiction over a
1-21 person on whom service of citation is required or over the person's
1-22 personal representative, although the person is not a resident or
1-23 domiciliary of this state, if:

1-24 (1) the person is personally served with citation in
1-25 this state;

1-26 (2) the person submits to the jurisdiction of this
1-27 state by consent, by entering a general appearance, or by filing a
1-28 responsive document having the effect of waiving any contest to
1-29 personal jurisdiction;

1-30 (3) the child resides in this state as a result of the
1-31 acts or directives of the person;

1-32 (4) the person resided with the child in this state;

1-33 (5) the person resided in this state and provided
1-34 prenatal expenses or support for the child;

1-35 (6) the person engaged in sexual intercourse in this
1-36 state and the child may have been conceived by that act of
1-37 intercourse;

1-38 (7) the person, ~~[registered with the paternity~~
1-39 ~~registry maintained by the bureau of vital statistics]~~ as provided
1-40 by Chapter 160:

1-41 (A) registered with the paternity registry
1-42 maintained by the bureau of vital statistics; or

1-43 (B) signed an acknowledgment of paternity of a
1-44 child born in this state; or

1-45 (8) there is any basis consistent with the
1-46 constitutions of this state and the United States for the exercise
1-47 of the personal jurisdiction.

1-48 SECTION 3. Subsections (b) and (c), Section 154.062, Family
1-49 Code, are amended to read as follows:

1-50 (b) Resources include:

1-51 (1) 100 percent of all wage and salary income and other
1-52 compensation for personal services (including commissions,
1-53 overtime pay, tips, and bonuses);

1-54 (2) interest, dividends, and royalty income;

1-55 (3) self-employment income;

1-56 (4) net rental income (defined as rent after deducting
1-57 operating expenses and mortgage payments, but not including noncash
1-58 items such as depreciation); and

1-59 (5) all other income actually being received,
1-60 including severance pay, retirement benefits, pensions, trust
1-61 income, annuities, capital gains, social security benefits other
1-62 than supplemental security income, unemployment benefits,
1-63 disability and workers' compensation benefits, interest income

2-1 from notes regardless of the source, gifts and prizes, spousal
 2-2 maintenance, and alimony.

- 2-3 (c) Resources do not include:
 2-4 (1) return of principal or capital;
 2-5 (2) accounts receivable; or
 2-6 (3) benefits paid in accordance with federal public
 2-7 assistance programs [~~aid for families with dependent children~~].

2-8 SECTION 4. Subsections (a) and (b), Section 154.130, Family
 2-9 Code, are amended to read as follows:

2-10 (a) Without regard to Rules 296 through 299, Texas Rules of
 2-11 Civil Procedure, in rendering an order of child support, the court
 2-12 shall make the findings required by Subsection (b) if:

2-13 (1) a party files a written request with the court not
 2-14 later than 10 days after the date of the hearing;

2-15 (2) a party makes an oral request in open court during
 2-16 the hearing; or

2-17 (3) the amount of child support ordered by the court
 2-18 varies from the amount computed by applying the percentage
 2-19 guidelines under Section 154.125 or 154.129, as applicable.

2-20 (b) ~~If findings are required by this section, the court~~
 2-21 ~~shall state whether the application of the guidelines would be~~
 2-22 ~~unjust or inappropriate and shall state the following in the child~~
 2-23 ~~support order:~~

2-24 "(1) the [~~monthly~~] net resources of the obligor per
 2-25 month are \$_____;

2-26 "(2) the [~~monthly~~] net resources of the obligee per
 2-27 month are \$_____;

2-28 "(3) the percentage applied to the obligor's net
 2-29 resources for child support [~~by the actual order rendered by the~~
 2-30 ~~court~~] is _____%; and

2-31 "(4) [~~the amount of child support if the percentage~~
 2-32 ~~guidelines are applied to the portion of the obligor's net~~
 2-33 ~~resources that does not exceed the amount provided by Section~~
 2-34 ~~154.125(a), Family Code, is \$_____;~~

2-35 [~~(5)~~] if applicable, the specific reasons that the
 2-36 amount of child support per month ordered by the court varies from
 2-37 the amount computed by applying the percentage guidelines under
 2-38 Section 154.125 or 154.129, as applicable [~~stated in Subdivision~~
 2-39 ~~(4) are: _____; and~~

2-40 [~~(6) if applicable, the obligor is obligated to~~
 2-41 ~~support children in more than one household, and:~~

2-42 ["(A) ~~the number of children before the court is~~
 2-43 ~~_____;~~

2-44 ["(B) ~~the number of children not before the court~~
 2-45 ~~residing in the same household with the obligor is _____; and~~

2-46 ["(C) ~~the number of children not before the court~~
 2-47 ~~for whom the obligor is obligated by a court order to pay support,~~
 2-48 ~~without regard to whether the obligor is delinquent in child~~
 2-49 ~~support payments, and who are not counted under Paragraph (A) or (B)~~
 2-50 ~~is _____]."~~

2-51 SECTION 5. Subsections (b), (c), and (e), Section 154.181,
 2-52 Family Code, are amended to read as follows:

2-53 (b) Before a hearing on temporary orders or a final order,
 2-54 if no hearing on temporary orders is held, the court shall require
 2-55 the parties to the proceedings to disclose in a pleading or other
 2-56 statement:

2-57 (1) if private health insurance is in effect for the
 2-58 child, the identity of the insurance company providing the
 2-59 coverage, the policy number, which parent is responsible for
 2-60 payment of any insurance premium for the coverage, whether the
 2-61 coverage is provided through a parent's employment, and the cost of
 2-62 the premium; or

2-63 (2) if private health insurance is not in effect for
 2-64 the child, whether:

2-65 (A) the child is receiving medical assistance
 2-66 under Chapter 32, Human Resources Code;

2-67 (B) the child is receiving health benefits
 2-68 coverage under the state child health plan under Chapter 62, Health
 2-69 and Safety Code, and the cost of any premium; and

3-1 (C) either parent has access to private health
3-2 insurance at reasonable cost to the obligor [~~that parent~~].

3-3 (c) In rendering temporary orders, the court shall, except
3-4 for good cause shown, order that any health insurance coverage in
3-5 effect for the child continue in effect pending the rendition of a
3-6 final order, except that the court may not require the continuation
3-7 of any health insurance that is not available to the parent at
3-8 reasonable cost to the obligor. If there is no health insurance
3-9 coverage in effect for the child or if the insurance in effect is
3-10 not available at a reasonable cost to the obligor, the court shall,
3-11 except for good cause shown, order health care coverage for the
3-12 child as provided under Section 154.182.

3-13 (e) In this section, "reasonable cost" means the cost of
3-14 health insurance coverage for a child that does not exceed nine
3-15 percent of the obligor's [~~responsible parent's~~] annual resources,
3-16 as described by Section 154.062(b), if the obligor is responsible
3-17 under a medical support order for the cost of health insurance
3-18 coverage for only one child. If the obligor is responsible under a
3-19 medical support order for the cost of health insurance coverage for
3-20 more than one child, "reasonable cost" means the total cost of
3-21 health insurance coverage for all children for which the obligor is
3-22 responsible under a medical support order that does not exceed nine
3-23 percent of the obligor's annual resources, as described by Section
3-24 154.062(b).

3-25 SECTION 6. Subsections (a), (b), (b-1), (b-2), and (c),
3-26 Section 154.182, Family Code, are amended to read as follows:

3-27 (a) The court shall consider the cost, accessibility, and
3-28 quality of health insurance coverage available to the parties and
3-29 shall give priority to health insurance coverage available through
3-30 the employment of one of the parties if the coverage is available at
3-31 a reasonable cost to the obligor.

3-32 (b) In determining the manner in which health care coverage
3-33 for the child is to be ordered, the court shall render its order in
3-34 accordance with the following priorities, unless a party shows good
3-35 cause why a particular order would not be in the best interest of
3-36 the child:

3-37 (1) if health insurance is available for the child
3-38 through a parent's employment or membership in a union, trade
3-39 association, or other organization at reasonable cost to the
3-40 obligor [~~parent~~], the court shall order that parent to include the
3-41 child in the parent's health insurance;

3-42 (2) if health insurance is not available for the child
3-43 under Subdivision (1) but is available to a parent from another
3-44 source and at a reasonable cost to the obligor, the court may order
3-45 that parent to provide health insurance for the child; or

3-46 (3) if health insurance coverage is not available for
3-47 the child under Subdivision (1) or (2), the court shall order the
3-48 obligor to pay the obligee, in addition to any amount ordered under
3-49 the guidelines for child support, an amount, not to exceed the
3-50 maximum amount that the obligor could be required to pay for health
3-51 insurance under this subchapter [~~nine percent of the obligor's~~
3-52 ~~monthly resources~~], as cash medical support for the child.

3-53 (b-1) If the parent ordered to provide health insurance
3-54 under Subsection (b)(1) or (2) is the obligee, the court shall order
3-55 the obligor to pay the obligee, as additional child support, an
3-56 amount equal to the actual cost of health insurance for the child,
3-57 but not to exceed a reasonable cost to the obligor. In calculating
3-58 the actual cost of health insurance for the child, if the obligee
3-59 has other minor dependents covered under the same health insurance
3-60 plan, the court shall divide the total cost to the obligee for the
3-61 insurance by the total number of minor dependents, including the
3-62 child covered under the plan.

3-63 (b-2) If the court finds that neither parent has access to
3-64 private health insurance at a reasonable cost to the obligor, the
3-65 court shall order the parent awarded the exclusive right to
3-66 designate the child's primary residence or, to the extent permitted
3-67 by law, the other parent to apply immediately on behalf of the child
3-68 for participation in a government medical assistance program or
3-69 health plan. If the child participates in a government medical

4-1 assistance program or health plan, the court shall order cash
4-2 medical support under Subsection (b)(3).

4-3 (c) In this section:

4-4 (1) "Accessibility" means the extent to which health
4-5 insurance coverage for a child provides for the availability of
4-6 medical care within a reasonable traveling distance and time from
4-7 the child's primary residence, as determined by the court.

4-8 (2) "Reasonable [~~,"reasonable~~] cost" has the meaning
4-9 assigned by Section 154.181(e).

4-10 SECTION 7. Subsection (c), Section 154.183, Family Code, is
4-11 amended to read as follows:

4-12 (c) As additional child support, the court shall allocate
4-13 between the parties, according to their circumstances:

4-14 (1) [~~7~~] the reasonable and necessary health care
4-15 expenses, including vision and dental expenses, of the [~~of a~~] child
4-16 that are not reimbursed by health insurance or are not otherwise
4-17 covered by the amount of cash medical support ordered under Section
4-18 154.182(b)(3); and

4-19 (2) amounts paid by either party as deductibles or
4-20 copayments in obtaining health care services for the child covered
4-21 under a health insurance policy.

4-22 SECTION 8. Subsection (c), Section 154.187, Family Code, is
4-23 amended to read as follows:

4-24 (c) An employer who has received an order or notice under
4-25 this subchapter shall provide to the sender, by first class mail not
4-26 later than the 30th day after the date the employer receives the
4-27 order or notice, a statement that the child:

4-28 (1) has been enrolled in the employer's [~~a~~] health
4-29 insurance plan or is already enrolled in another health insurance
4-30 plan in accordance with a previous child support or medical support
4-31 order to which the employee is subject; or

4-32 (2) cannot be enrolled or cannot be enrolled
4-33 permanently in the employer's [~~a~~] health insurance plan and provide
4-34 the reason why coverage or permanent coverage cannot be provided.

4-35 SECTION 9. Subsection (b), Section 154.191, Family Code, is
4-36 amended to read as follows:

4-37 (b) This subchapter does not limit the authority of the
4-38 court to render or modify a medical support order to provide
4-39 [~~containing a provision~~] for payment of uninsured health expenses,
4-40 health care costs, or health insurance premiums in a manner
4-41 consistent [~~that are in addition to and inconsistent~~] with this
4-42 subchapter.

4-43 SECTION 10. Subsection (b), Section 157.005, Family Code,
4-44 is amended to read as follows:

4-45 (b) The court retains jurisdiction to confirm the total
4-46 amount of child support arrearages and render a cumulative money
4-47 judgment for past-due child support, as provided by Section
4-48 157.263, if a motion for enforcement requesting a cumulative money
4-49 judgment is filed not later than the 10th anniversary after the
4-50 date:

4-51 (1) the child becomes an adult; or

4-52 (2) on which the child support obligation terminates
4-53 under the child support order or by operation of law.

4-54 SECTION 11. Subchapter A, Chapter 157, Family Code, is
4-55 amended by adding Section 157.009 to read as follows:

4-56 Sec. 157.009. CREDIT FOR PAYMENT OF DISABILITY BENEFITS.
4-57 In addition to any other credit or offset available to an obligor
4-58 under this title, if a child for whom the obligor owes child support
4-59 receives a lump-sum payment as a result of the obligor's disability
4-60 and that payment is made to the obligee as the representative payee
4-61 of the child, the obligor is entitled to a credit. The credit under
4-62 this section is equal to the amount of the lump-sum payment and
4-63 shall be applied to any child support arrearage and interest owed by
4-64 the obligor on behalf of that child at the time the payment is made.

4-65 SECTION 12. Subsection (d), Section 157.162, Family Code,
4-66 is amended to read as follows:

4-67 (d) If the court determines that a respondent has failed to
4-68 make one or more periodic child support payments as ordered by the
4-69 court, the [~~The~~] court may [~~not~~] find the [~~a~~] respondent in contempt

5-1 of court regardless of whether [~~for failure to pay child support if~~
 5-2 the respondent appears at the hearing with a copy of the payment
 5-3 record or other evidence [~~satisfactory to the court~~] showing that
 5-4 the respondent, as of the time of the hearing, is current in the
 5-5 payment of child support [~~as ordered by the court~~].

5-6 SECTION 13. Subsection (f), Section 157.262, Family Code,
 5-7 is amended to read as follows:

5-8 (f) The money judgment for arrearages rendered by the court
 5-9 may be subject to a counterclaim or offset as provided by this title
 5-10 [~~subchapter~~].

5-11 SECTION 14. Section 157.264, Family Code, is amended by
 5-12 adding Subsection (c) to read as follows:

5-13 (c) An order rendered under Subsection (b) does not preclude
 5-14 or limit the use of any other means for enforcement of the judgment.

5-15 SECTION 15. Section 158.203, Family Code, is amended by
 5-16 amending Subsection (b) and adding Subsection (b-1) to read as
 5-17 follows:

5-18 (b) An employer with 250 or more employees shall remit a
 5-19 payment required under this section [~~For payments made~~] by
 5-20 electronic funds transfer or electronic data interchange[, ~~the~~
 5-21 ~~employer shall transmit the amount withheld~~] not later than the
 5-22 second business day after the pay date.

5-23 (b-1) An employer with fewer than 250 employees may remit a
 5-24 payment required under this section by electronic funds transfer or
 5-25 electronic data interchange. A payment remitted by the employer
 5-26 electronically must be remitted not later than the date specified
 5-27 by Subsection (b).

5-28 SECTION 16. Subsections (a), (b), and (c), Section 158.215,
 5-29 Family Code, are amended to read as follows:

5-30 (a) In this section, "lump-sum payment" means income in the
 5-31 form of a bonus or [~~commission or~~] an amount paid in lieu of
 5-32 vacation or other leave time. The term does not include an
 5-33 employee's usual earnings or an amount paid as severance pay on
 5-34 termination of employment.

5-35 (b) This section applies only to an employer who receives an
 5-36 administrative writ of withholding in a Title IV-D case [~~that~~
 5-37 ~~requires that an obligor's income be withheld for child support~~
 5-38 ~~arrearages~~].

5-39 (c) An employer to whom this section applies may not make a
 5-40 lump-sum payment to the obligor in the amount of \$500 or more
 5-41 without first notifying the Title IV-D agency [~~that issued the~~
 5-42 ~~writ~~] to determine whether all or a portion of the payment should be
 5-43 applied to [~~the~~] child support arrearages owed by the obligor.

5-44 SECTION 17. Subsection (a), Section 159.611, Family Code,
 5-45 is amended to read as follows:

5-46 (a) Except as provided by Section 159.615, on petition a
 5-47 tribunal of this state may modify a child support order issued in
 5-48 another state and registered in this state only if Section 159.613
 5-49 does not apply and after notice and hearing the tribunal finds that:

5-50 (1) the following requirements are met:

5-51 (A) the child, the obligee who is an individual,
 5-52 and the obligor do not reside in the issuing state;

5-53 (B) a petitioner who is a nonresident of this
 5-54 state seeks modification; and

5-55 (C) the respondent is subject to the personal
 5-56 jurisdiction of the tribunal of this state; or

5-57 (2) this state is the state of residence of the child
 5-58 [~~and the child~~], or a party who is an individual[~~7~~] is subject to
 5-59 the personal jurisdiction of the tribunal of this state, and all of
 5-60 the parties who are individuals have filed consents in a record in
 5-61 the issuing tribunal [~~consents~~] for a tribunal of this state to
 5-62 modify the support order and assume continuing, exclusive
 5-63 jurisdiction.

5-64 SECTION 18. Subsection (a), Section 160.103, Family Code,
 5-65 is amended to read as follows:

5-66 (a) Except as provided by Chapter 233, this [~~This~~] chapter
 5-67 governs every determination of parentage in this state.

5-68 SECTION 19. Subsection (b), Section 160.601, Family Code,
 5-69 is amended to read as follows:

6-1 (b) The proceeding is governed by the Texas Rules of Civil
 6-2 Procedure, except as provided by Chapter 233.

6-3 SECTION 20. Subsection (e), Section 201.009, Family Code,
 6-4 is amended to read as follows:

6-5 (e) On a request for a de novo hearing, the referring court
 6-6 may consider testimony or other evidence in the record~~[, if the~~
 6-7 ~~record is taken by a court reporter,]~~ in addition to witnesses or
 6-8 other matters presented under Section 201.015.

6-9 SECTION 21. Subsection (c), Section 201.015, Family Code,
 6-10 is amended to read as follows:

6-11 (c) In the de novo hearing before the referring court, the
 6-12 parties may present witnesses on the issues specified in the
 6-13 request for hearing. The referring court may also consider the
 6-14 record from the hearing before the associate judge, including the
 6-15 charge to and verdict returned by a jury~~[, if the record was taken~~
 6-16 ~~by a court reporter].~~

6-17 SECTION 22. Section 231.015, Family Code, is amended to
 6-18 read as follows:

6-19 Sec. 231.015. INSURANCE REPORTING [~~PILOT~~] PROGRAM. (a) In
 6-20 consultation with the Texas Department of Insurance and
 6-21 representatives of the insurance industry in this state, including
 6-22 insurance trade associations, the Title IV-D agency by rule shall
 6-23 operate [establish] a [pilot] program to improve the enforcement of
 6-24 child support, including the use of child support liens under
 6-25 Chapter 157. The [pilot] program shall provide for procedures,
 6-26 including data matches, [develop processes] under which insurance
 6-27 companies shall [may voluntarily] cooperate with the Title IV-D
 6-28 agency in identifying obligors who owe child support arrearages or
 6-29 who are subject to liens for child support arrearages to intercept
 6-30 certain liability insurance settlements or awards for claims in
 6-31 satisfaction of the arrearage amounts.

6-32 (b) An insurance company that provides information or
 6-33 ~~[otherwise]~~ responds to a notice of child support lien or levy under
 6-34 Subchapter G, Chapter 157, or acts in good faith to comply with
 6-35 procedures established by the Title IV-D agency [in the pilot
 6-36 program] under this section is not liable for those acts under any
 6-37 law to any person.

6-38 SECTION 23. Section 231.202, Family Code, is amended to
 6-39 read as follows:

6-40 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D
 6-41 CASES. In a Title IV-D case filed under this title, including a
 6-42 case filed under Chapter 159, the Title IV-D agency shall pay only
 6-43 the following costs and fees:

6-44 (1) filing fees and fees for issuance and service of
 6-45 process as provided by Chapter 110 of this code and by Sections
 6-46 51.317(b)(1), (2), and (3) and (b-1) [51.317], 51.318(b)(2), and
 6-47 51.319(2), Government Code;

6-48 (2) fees for transfer as provided by Chapter 110;

6-49 (3) fees for the issuance and delivery of orders and
 6-50 writs of income withholding in the amounts provided by Chapter 110;

6-51 (4) the fee that sheriffs and constables are
 6-52 authorized to charge for serving process under Section 118.131,
 6-53 Local Government Code, for each item of process to each individual
 6-54 on whom service is required, including service by certified or
 6-55 registered mail, to be paid to a sheriff, constable, or clerk
 6-56 whenever service of process is required;

6-57 (5) the fee for filing an administrative writ of
 6-58 withholding under Section 158.503(d); and

6-59 (6) the fee for issuance of a subpoena as provided by
 6-60 Section 51.318(b)(1), Government Code.

6-61 SECTION 24. Subsection (a), Section 232.005, Family Code,
 6-62 is amended to read as follows:

6-63 (a) A petition under this chapter must state that license
 6-64 suspension is required under Section 232.003 and allege:

6-65 (1) the name and, if known, social security number of
 6-66 the individual;

6-67 (2) ~~[with regard to each license, the type, and if~~
 6-68 ~~known, number of any license the individual is believed to hold and]~~
 6-69 the name of the licensing authority that issued a [the] license the

7-1 individual is believed to hold; and

7-2 (3) the amount of arrearages owed under the child
7-3 support order or the facts associated with the individual's failure
7-4 to comply with:

7-5 (A) a subpoena; or

7-6 (B) the terms of a court order providing for the
7-7 possession of or access to a child.

7-8 SECTION 25. Section 34.001, Civil Practice and Remedies
7-9 Code, is amended by adding Subsection (c) to read as follows:

7-10 (c) This section does not apply to a judgment for child
7-11 support under the Family Code.

7-12 SECTION 26. Section 12.0011, Property Code, is amended by
7-13 adding Subsection (d) to read as follows:

7-14 (d) This section does not apply to a child support lien
7-15 notice issued by the Title IV-D agency under Chapter 157, Family
7-16 Code. For purposes of this subsection, "Title IV-D agency" has the
7-17 meaning assigned by Section 101.033, Family Code.

7-18 SECTION 27. Subsection (c), Section 601.454,
7-19 Transportation Code, is amended to read as follows:

7-20 (c) Information obtained under this subchapter is
7-21 confidential. The agent:

7-22 (1) may use the information only for a purpose
7-23 authorized under this subchapter;

7-24 (2) ~~and~~ may not use the information for a commercial
7-25 purpose; and

7-26 (3) on request, and subject to appropriate safeguards
7-27 to protect the privacy of motor vehicle owners developed by the
7-28 implementing agencies and the attorney general, may provide the
7-29 information to the attorney general for the purpose of enforcing
7-30 child support obligations.

7-31 SECTION 28. Subsection (c), Section 154.130, Subsection
7-32 (d), Section 154.182, and Section 234.011, Family Code, are
7-33 repealed.

7-34 SECTION 29. Section 102.009, Family Code, as amended by
7-35 this Act, applies to a proceeding under Chapter 233, Family Code,
7-36 that is pending before the Title IV-D agency or initiated by the
7-37 Title IV-D agency on or after the effective date of that provision.

7-38 SECTION 30. Section 102.011, Family Code, as amended by
7-39 this Act, applies only to an acknowledgment of paternity signed on
7-40 or after the effective date of that provision.

7-41 SECTION 31. Sections 154.062 and 154.130, Family Code, as
7-42 amended by this Act, apply only to a suit affecting the parent-child
7-43 relationship that is commenced on or after the effective date of
7-44 those provisions. A suit affecting the parent-child relationship
7-45 commenced before the effective date of those provisions is governed
7-46 by the law in effect on the date the suit was commenced, and the
7-47 former law is continued in effect for that purpose.

7-48 SECTION 32. Sections 154.181, 154.182, 154.183, and
7-49 154.191, Family Code, as amended by this Act, apply to a suit
7-50 affecting the parent-child relationship pending in a trial court on
7-51 or filed on or after the effective date of those provisions.

7-52 SECTION 33. Section 154.187, Family Code, as amended by
7-53 this Act, applies to an order or notice received by an employer on
7-54 or after the effective date of that provision. An order or notice
7-55 received by an employer before the effective date of that provision
7-56 is governed by the law in effect on the date the order or notice was
7-57 received, and the former law is continued in effect for that
7-58 purpose.

7-59 SECTION 34. Section 157.009, Family Code, as added by this
7-60 Act, applies only to a money judgment for child support arrearages
7-61 that is rendered on or after the effective date of that provision.
7-62 A money judgment for child support arrearages rendered before the
7-63 effective date of that provision is governed by the law in effect on
7-64 the date that the judgment was rendered, and the former law is
7-65 continued in effect for that purpose.

7-66 SECTION 35. Section 157.162, Family Code, as amended by
7-67 this Act, applies to a hearing to enforce an order in a suit
7-68 affecting the parent-child relationship that commences on or after
7-69 the effective date of that provision. A hearing that commences

8-1 before the effective date of that provision is governed by the law
8-2 in effect on the date the hearing commenced, and the former law is
8-3 continued in effect for that purpose.

8-4 SECTION 36. Section 158.203, Family Code, as amended by
8-5 this Act, applies to child support payments withheld by an employer
8-6 on or after September 1, 2009.

8-7 SECTION 37. Sections 201.009 and 201.015, Family Code, as
8-8 amended by this Act, apply only to a hearing before an associate
8-9 judge that is commenced on or after the effective date of those
8-10 provisions. A hearing before an associate judge that commenced
8-11 before the effective date of those provisions is governed by the law
8-12 in effect on the date the hearing commenced, and the former law is
8-13 continued in effect for that purpose.

8-14 SECTION 38. Section 232.005, Family Code, as amended by
8-15 this Act, applies only to a petition filed on or after the effective
8-16 date of that provision. A petition filed before the effective date
8-17 of that provision is governed by the law in effect on the date the
8-18 petition was filed, and the former law is continued in effect for
8-19 that purpose.

8-20 SECTION 39. Section 34.001, Civil Practice and Remedies
8-21 Code, as amended by this Act, applies to each judgment for child
8-22 support under the Family Code, regardless of the date on which the
8-23 judgment was rendered.

8-24 SECTION 40. (a) Except as provided by Subsection (b) of
8-25 this section:

8-26 (1) this Act takes effect immediately if it receives a
8-27 vote of two-thirds of all the members elected to each house, as
8-28 provided by Section 39, Article III, Texas Constitution; and

8-29 (2) if this Act does not receive the vote necessary for
8-30 immediate effect, this Act takes effect September 1, 2009.

8-31 (b) The change in law made by this Act to Section 158.203,
8-32 Family Code, takes effect September 1, 2009.

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